

REMARKS

Claims 2, 4-17, 19, 20, 22-30, 32, 42, 44, 46-54, 56, 57, 59, 61 and 63-65 are pending in the present application. Claims 5, 15, 29 and 32 are currently amended. New claims 66-74 are added. Support for these amendments and the new claims can be found, throughout the specification and claims as originally filed.

Specifically support for new claims 66-69 can be found in previously presented claims 5, 15, 29, and 32, respectively, and original paragraphs [32], [40], [43], and [47] and amended paragraph [47]. Support for new claims 70-74 can be found in original claims 1, 4, 5, and 16-17, and original paragraphs [40], and [47] and amended paragraph [47].

Support for amended portion of paragraph 47 of the specification can be found in original paragraphs [40] and [47]. Specifically, original paragraph [40] discloses a method 310 which includes a seal 28 to form a first seal end "with an end flap 32 ... formed extending beyond the seal." Original paragraph 40 further discloses "a distal seal 44 along the end portions of the flap...." Original paragraph [47] discloses that the embodiments set forth in Figures 5 and 6, may include the "distal seal" disclosed in method 310. Specifically, referring to Figures 5 and 6, original paragraph [47] reads as follows: "[a]s with method 310, a distal seal (not shown) may also be formed in flap 130."

Similarly, support for the phrase "[a]s with the distal seal 44 of a multi-handle bag such as bag 10, the distal seal 46 provides a more robust handle 116 by preventing sheet material in flap 130 from being pulled apart," is found in original paragraph [40] and [47]. Original paragraph [40] discloses that "[d]istal seal 44 provides a more robust

handle by preventing sheet material in flap 32 from being pulled apart." As set forth above, original paragraph 47 discloses that distal seal 44 can be included in the embodiments of figures 5 and 6, and by the current amendment distal seal 44 of method 310 is now shown in figures 5 and 6 as distal seal 46. The amended phrase "the distal seal 46 provides a more robust handle 116 by preventing sheet material in flap 130 from being pulled apart" is added to clarify that distal seal 46 of Figures 5 and 6 performs the same function as the distal seal 44 of figure 1.

Similarly, support for the phrase "[t]he distal seal 46 may be coextensive with the surface area of the foldover flap 130 or coextensive with a portion of the foldover flap 130 at a position distal to seal 26" found in by original paragraph [40] and [47]. As set forth above, original paragraph [40] discloses that "[d]istal seal 44 provides a more robust handle by preventing sheet material in flap 32 from being pulled apart." Also as set forth above, original paragraph 47 discloses that distal seal 44 can be included in the embodiments of figures 5 and 6, and by the current amendment distal seal 44 of method 310 is now shown in figures 5 and 6 as distal seal 46. The amendment clarifies the position of the distal seal 46 in relation to seal 26 of figures 5 and 6 similar to the relationship between distal seal 44 and seal 26 of figure 1.

Reconsideration and allowance in view of the amendments and following remarks is respectfully requested.

Interview summary

Applicants thank the Examiner for the courtesy extended in during the telephonic interview on September 24, 2009 in which the pending claims and the cited reference

U.S. Patent No. 3,249,285 to Dollheimer et al. were discussed. No agreement was reached with respect to the pending claims.

Objection to the Drawings

In the Office action, the drawings are objected to as not showing a feature of the invention specified in the claims, specifically the "the double stack of panels sealed by a distal seal coextensive with the surface area distal to the non-sealable first seam." OA at 2.

In response, corrected drawing sheets for figures 5-6 are provided herewith. Figures 5 and 6 are amended to include item 46. Support in the specification for the changes to the figures is set forth above with the accompanying amendments to the specification. No new matter is added.

Rejections under 35 U.S.C. § 103(a)

In the Office Action, claims 2, 4, 5, 8-17, 19, 20, 24-30, 32, 42, 44, 48-54, 56, 57, 59, 61 and 63-65 are rejected under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent No. 5,593,229 to Warr, U.S. Patent No. 3,249,285 to Dollheimer et al., and U.S. Patent No. Des. 327,217 to Wallace.

Claim 5 recites in part "a first flap formed from first portions of the opposing panels extending in the longitudinal direction beyond the first seam at the first end; a first handle formed in the first flap;" and "wherein the opposing panels, stacks of panels, or both are sealed to each other by a distal seal distal to the non-resealable first seam." The Office action asserts that Fig. 2 of Dollheimer discloses said limitations. Applicants

respectfully disagree. Fig. 2 of Dollheimer does not disclose "a distal seal distal to the non-resealable first seam." As can be seen in Figure 2 and the accompanying text of Dollheimer, the bag of Dollheimer includes a "heat seal which extends across the width of the bag and is adjacent the end 14, seals the end of the tubular formation 10, as well as sealing the folded portion to the side of the bag, as shown at 16." Dollheimer, col. 2, ll. 13-26. Dollheimer discloses a single seal to seal the folded portion to the side of the bag and seal the end of the bag. Dollheimer does not teach both "a non-resealable first seam" and a "distal seal," let alone "a distal seal distal to the non-resealable first seam," as claimed.

The limitation "a distal seal distal to the non-resealable first seam" provides a distinct advantage over the handles of the prior art. As set forth in the specification at original paragraphs [40] and [47] and amended paragraph [47], "the distal seal ... provides a more robust handle ... by preventing sheet material in flap ... from being pulled apart." As set forth in original paragraph [26], "[w]hen the bag is horizontally oriented, the user's hand contacts the side portions of the handle as well as the cutout portion" further reducing the pressure applied to the users hand. By providing a "more robust handle" with the distal seal, the present claim contributes to further reduce the pressure applied to the user's hand, an advantage not found in Dollheimer. Indeed, one skilled in the art would not modify the handle of Dollheimer as claimed because Dollheimer is a single handle bag that would not be horizontally oriented in the same manner as a multi-handle bag.

Neither Warr nor Wallace remedy the deficiencies of Dollheimer.

Accordingly, one skilled in the art would not make such a modification to

Dollheimer, let alone make the modification and then combine Dollheimer with both Warr and Wallace.

Similarly, claims 15, 29 and 32 recite "wherein the opposing panels, stacks of panels, or both are sealed to each other by a distal seal area distal to the non-resealable first seam." Accordingly, claims 15, 29, and 32 are patentable over Dollheimer, Warr and Wallace for at least the same reasons set forth with respect to claim 5.

Because claims 4, 16, 17, 42, 48-54 and 59 depend from claim 5, claims 2, 8-14, 44, 56-57 and 61 depend from claim 15, claims 19, 20, 24-28, 30, and 63 depend from claim 29, and claims 64-65 depend from claim 32, said claims are patentable over Dollheimer, Warr and Wallace for the same reasons set forth with respect to claim 5 for at least the same reasons set forth above.

In the Office action, claims 2, 4-10, 13-15, 19, 20, 22-25, 27-29, 32, 42, 44, 46-50, 53, 54, 59, 61, and 63-65 are rejected under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent No. 5,593,229 to Warr, U.S. Patent No. 3,249,285 to Dollheimer et al., and U.S. Patent No. 5,578,562 to Anspacher.

Anspacher does not remedy the deficiencies set forth above with respect to Dollheimer. Accordingly, said claims are patentable over Dollheimer, Warr and Anspacher, alone or in combination for at least the reasons set forth above.

Thus, Applicants respectfully request the above rejections be withdrawn.

New claims

New claims 66-69 depend from claims 5, 15, 29, and 32, respectively, and are patentable over the cited references for at least the same reasons set forth above with

respect to claim 5. Further, claims 66-69 recite "wherein the distal seal is substantially coextensive with the surface area distal to the non-resealable first seam." As set forth above, the cited references do not disclose a distal seal, let alone "wherein the distal seal is substantially coextensive with the surface area distal to the non-resealable first seam" as claimed. Accordingly said claims are further distinguished from the cited references.

Like claim 5, new claim 70 recites "wherein the opposing panels, stacks of panels, or both are sealed to each other by a distal seal distal to the non-resealable first seam." Accordingly claim 70 and claims 71-74, which depend from claim 70 are patentable over the cited references for at least the same reasons set forth with respect to claim 5 above.

CONCLUSION

In view of the foregoing, it is submitted that the claims are in condition for allowance. A Notice of Allowance is requested. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to contact the undersigned at 310-788-9900.

Dated: September 29, 2009

Correspondence Address:

Customer No. 53175
Cargill, Incorporated
Law/24
15407 McGinty Road West
Wayzata, MN 55391

Respectfully submitted,

Perkins Coie LLP

By: /Joseph P. Hamilton/
Joseph P. Hamilton
Reg. No. 51,770